

**Town of Foxborough
Conservation Commission Minutes
February 22, 2016**

Members Present: Robert Boette (Chair), Judith Johnson (Vice Chair), Eric Nelson (Clerk), Valerie Marshall and James Marsh

Members Absent: Michael Kelleher

Staff Present: Jane Sears Pierce, Conservation Manager, Diana Gray, Land Use Administrator

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

13 Union Street, RFD, Frank Caridi

Peter Lyons of Collins Engineering was present representing the applicant. This is an existing four bedroom home with a failed septic system. There is an intermittent stream in the back of the property and not enough space in the front yard for a new system so the new system will be put in the side yard. All work will be outside of the fifty foot buffer and erosion control silt socks and fencing will be used. This will be a standard septic tank installation. They have not yet received approval from the Board of Health, but it will be an improvement over the existing conditions.

Motion was made by Ms. Johnson to close the hearing for 13 Union Street; seconded by Mr. Nelson. **Vote: 5-0-0**

Motion was made by Ms. Johnson to issue a Negative Determination for 13 Union Street; seconded by Mr. Marshall. **Vote 5-0-0**

48 East Street, DEP #157-TBD NOI, Estate of Audrey Greeley

50 East Street, DEP #157-TBD NOI, Estate of Audrey Greeley

Atty. Frank Spillane and Engineer Bill Buckley were present representing the estate. The DEP number has not yet been received for either application. Mr. Buckley explained that these homes are located on the East side of East Street across from the railroad tracks. The Canoe River flows through the back of the property. There is an existing duplex at #48 and a single family home at #50. The wetlands have been flagged.

At #48 almost the entire lot is in the riverfront. Mr. Buckley the FEMA flood lines are not correct and he has asked that they be changed to the actual line. The current cesspool is on the edge of the wetland. The Commissioners noted that there is water in the basement of the house and asked if it should also be included in the floodplain.

At #50 there is less riverfront but more buffer zone impact.

Both homes date from the 1800's. The current proposal is to demolish and reconstruct the homes. Neither home is in the Zone II Water Resource Protection District but will be treated as they are since they are so close to the river.

There are no house plans for the rebuilt homes, Mr. Buckley is using a large home template but it will probably be smaller. The property is near Old East Street which is not currently maintained by the Town so the Building Commissioner needs to determine whether it meets the Vital Access requirement.

They are proposing a restoration plan in the buffer zone and note that all roof runoff will be channeled to a leaching system.

In regards to 48 East Street, the Commissioners asked if the driveway could be shortened to move the houses up further away from the wetlands or if one part of the duplex could be moved forward to get it out of the buffer. Mr. Buckley stated that Title 5 requires all septic systems to be 10 feet off of the property line; they are proposing to have it at five feet off the property line and will ask the Board of Health for a Variance.

Ms. Pierce asked if the River Protection Act applies. Mr. Buckley stated that they are not changing the uses, there is a pre-existing non-conforming duplex and that use will continue. She also feels that it might be a National Heritage Priority Habitat so it should be a redevelopment project. Mr. Buckley will look at the redevelopment regulations and discuss it with Ms. Pierce.

50 East Street will be a four bedroom with a two car garage to replace the single family home and barn. A wall will be built in the back yard to create a flat back yard; it will be four feet high and will have a restoration area from the base of the wall.

These are conceptual plans, if someone wants to buy and save the homes the plans will change.

Motion was made by Ms. Johnson to continue the hearing for 48 and 50 East Street to March 8, 2016 at 7:15 and 7:20 p.m.; seconded by Ms. Marshall. **Vote: 5-0-0**

3 Laurel Tree Drive, RFD – Thomas and Randy Perry

Mr. Nelson disclosed that the Perry's are his former neighbors. The Commission saw no conflicts.

The Perry's would like to install an in-ground pool and remove some trees in their existing lawn area. Ms. Pierce has looked at the property and sees no problems with the project and just requests that they save as many trees as possible.

Motion was made by Ms. Johnson to close the hearing for 3 Laurel Tree Drive; seconded by Mr. Nelson. **Vote: 5-0-0**

Motion was made by Ms. Marshall to issue a Negative Determination for 3 Laurel Tree Drive; seconded by Mr. Johnson. **Vote: 5-0-0**

242-246 Main Street, DEP #157-546, Continued ANRAD Hearing

Information Reviewed: Lawson Farm 242-246 Main Street, Wetland Location Plan, 2/1/16

Applicant's (Ron Bonvie, Lawson Farms LLC) representatives Attorney Frank Spillane, Engineer Bill Buckley and developer Paul Folkman attended the continued hearing. Atty. Spillane explained that a site walk with many of the Commissioners had been held during the previous weekend for a final review of the 2/1/16 plans. He indicated that the plans had been revised to reflect previously requested changes, including the removal of all of the wetland flags that are not to be approved by the Order of Resource Area Delineation (ORAD). They are requesting that the hearing be closed this evening, as all requests for changes have been addressed.

Ms. Marshall indicated that many things were discussed and wanted to ensure that they had been included in the plans. The following list, including Mr. Buckley's responses, was discussed:

1. Potential vernal pool (PVP), discovered during site visits, located just east of wetland flags A215–A233. Mr. Buckley stated that he would go out and physically locate it on the plan and treat it as a certified vernal pool for design purposes.
2. PVP, listed on the Mass Natural Heritage and Endangered Species Program's (NHESP) website and GIS data layers. Mr. Buckley indicated that we could look at it again in the coming spring, adding that the current tenant said that it was 14 feet deep, so suspected that it might not be a vernal pool.

3. Moving the wetland line to where the path is that runs from the Harold Clark conservation land to the edge of the wetland. Mr. Buckley indicated that he would design the proposed subdivision to put the path off of the lots, so it would be on the open space lot.

The Commissioners stressed that conveying the open area (to the east of the property's upland area) to the Conservation Commission is a priority, since this area would be a huge asset to the town. It abuts the Harold Clark Town Forest conservation area and connects a disjointed peninsula, separated by Lakeview Pond, to the rest of the conservation area.

Mr. Folkman stated that from day one there has been a willingness to do something (donate, put property under a CR, or something else). He explained that everything under the pond that is owned by the family won't be an issue. The issue is that one of the brothers wants to use part of the property for a horse business (he wants to construct a new barn). However, Mr. Folkman explained that as part of the P&S negotiations, he enjoys the right "as to how to work something through with the town." He is in contact with the brother who wants the horse business after each meeting. Ms. Marshall stressed that the Commission wants to ensure contiguous access to the disjointed peninsula of conservation land.

Mr. Folkman indicated that it would be helpful to close the hearing, since they want to immediately move forward with subdivision plans. He indicated that he didn't think that he and the Commission were on opposite ends, philosophically.

Ms. Marshall stressed she was mainly concerned about the area's wildlife corridor, adding that if the Commission had a sense of where the open space would be, it would be helpful. Mr. Folkman responded that everything under the pond with an edge would be protected. He had no concern regarding a potential line drawn between the end of Old Colony Road to the rear path at the edge of the pond.

Ms. Pierce asked about the Streamstats information she had been requesting. Mr. Buckley apologized, acknowledging that she had been asking for them from the start of the hearings and stated that they would get this information to the Commission. Ms. Pierce also indicated that the culvert running under a pathway near WLF A234 that connected two wetland areas also needed to be added to the plans.

Mr. Boette asked how many of the wetland flags had been revised during the hearing process, to which Mr. Buckley responded around 30 or 40 flags. Mr. Boette indicated that the hearing would have been closed much more quickly if a better job was done in flagging the wetlands. He added that the flags were where they belonged now.

Since the bordering land subject to flooding (BLSF) had not yet been calculated, as requested, Mr. Buckley indicated that the Order of Conditions could include a notation that "BLSF shall be calculated by Mr. Buckley and reviewed by the Town's consultant."

Motion was made by Ms. Johnson to close the hearing for 242-246 Main Street; seconded by Mr. Marsh. **Vote: 5-0-0**

Regulations for Foxborough's Wetlands Protection Bylaw, Chapter 267

Motion was made by Ms. Johnson to continue the hearing for Regulations to Foxborough's Wetlands Protection Bylaw, Chapter 267 to March 7, 2016; seconded by Ms. Marshall. **Vote 5-0-0**

Rental Properties – 120 Spring Street

Ms. Pierce has been working with the Facilities Manager on getting new windows for Spring Street. The siding also needs to be replaced. Ms. Pierce asked about the rental funds and was told by the Finance Director that a CIP request would need to be made. He did note that \$16,000 was transferred from the 89 North Street fund to the 120 Spring Street fund. The town wants this

property sold. A site visit should be done as no one has been inside the house since the last renters moved in.

New Commission Member

Two applications have been received so far for a new Commissioner. The Board of Selectmen will announce the opening at the March 8th meeting so hopefully that will generate some interest. A meeting with the Board of Selectmen has been scheduled for March 22nd to appoint a new member so interviews need to be scheduled for the next two meetings before March 22nd.

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson. **Vote: 5-0-0**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 3/9/16

Approved by Commission: 8/22/16

Documents, Not Referenced Above

Attached Documents

1. Agenda, February 22, 2016
2. Meeting Sign In Sheet

Location of Other Documents

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file